

**McCRACKEN, STEMERMAN & HOLSBERRY, LLP**

KRISTIN L. MARTIN, Nevada State Bar No. 7807

595 Market Street, Suite 800

San Francisco, CA 94105

Phone: (415)-597-7200

Fax: (415)-597-7201

Email: klm@msh.law

***Attorney for Defendant Bartenders Union Local  
165***

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

NICOLE HOULE,

Plaintiff,

vs.

THE MIRAGE CASINO-HOTEL, LLC; BAR  
TENDER'S UNION 164; DOES 1 through 20,  
inclusive; and ROE CORPORATIONS 1  
through 20, inclusive;

Defendants.

CASE NO.

**NOTICE OF REMOVAL OF CIVIL  
ACTION UNDER 28 U.S.C. § 1441(b)**

TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF  
NEVADA:

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant Bartenders Union Local 165  
(improperly named on the caption as "Bar Tender's Union 164") ("Local 165") hereby files this  
Notice of Removal from the District Court of Clark County, Nevada to the United States District  
Court for the District of Nevada and, in support, alleges as follows:

1. Plaintiff Nicole Houle brought this suit in the District Court for Clark County,  
Nevada, Case No. A-16-745978-C, on or about November 2, 2016. Local 165 received a copy

of the Complaint on or about January 20, 2017 when it was served with the Complaint.

2. The Complaint is attached hereto as Exhibit A.

3. The Complaint alleges that Local 11 violated the duty of fair representation that it owed to Plaintiff as the collective bargaining representative for Plaintiff. *See* Complaint, ¶¶ 44-48.

### **GROUND FOR REMOVAL**

4. Removal is based on federal-question jurisdiction under 28 U.S.C. § 1331 and 29 U.S.C. § 185(a) over the third cause of action for breach of the duty of fair representation. The second cause of action arises under federal law, and is therefore removable under 28 U.S.C. § 1441(a) and (b). *Harper v. San Diego Transit Corp.*, 764 F.2d 663, 667 (9th Cir. 1985).

5. The first and second cause of action are for “sexual harassment/ hostile work environment” and “retaliation” respectively, and are brought solely against Defendant Mirage Casino-Hotel. This Court has supplemental jurisdiction over the first and second causes of action under 28 U.S.C. § 1367, and these causes of action are removable under 28 U.S.C. § 1441(c).

6. Mirage Hotel-Casino consents to removal. There are no other defendants named in the suit, other than Local 165 and Mirage Hotel-Casino.

7. Venue is proper in the United States District Court for the District of Nevada because this action was brought in the District Court for Clark County.

8. This Notice of Removal is filed in this Court within thirty days after Local 165 received notice of this action; and within one year of commencement of the action.

9. Written notice of the filing of this Notice of Removal will be served on Plaintiff’s counsel on the same date that this Notice is filed and on counsel for Defendant Mirage Casino-

Hotel.

10. A true and correct copy of this Notice will be filed with the Clerk of the District Court for Clark County.

Dated: January 30, 2017

**McCRACKEN, STEMERMAN & HOLSBERRY, LLP**

By: /s/ Kristin L. Martin

Kristin L. Martin, Nevada State Bar No. 7807

595 Market Street, Suite 800

San Francisco, CA 94105

Phone: (415)-597-7200

Email: klm@msh.law

***Attorney for Defendant Bartenders Union Local 165***

**CERTIFICATE OF SERVICE**

I hereby certify that on January 30, 2017, I electronically filed the foregoing **NOTICE OF REMOVAL OF CIVIL ACTION UNDER 28 U.S.C. § 1441(b)** with the Clerk of the Court using the CM/ECF system.

/s/Katy Maddux

Katy Maddux